CITY OF NEW ORLEANS CHIEF ADMINISTRATIVE OFFICE

POLICY MEMORANDUM No. 4

June 25, 1975

TO: All Departments, Boards, Agencies and Commissions

FROM: Richard Kernion, Chief Administrative Officer

SUBJECT: Grievance Procedure of the City of New Orleans

1. PURPOSE

The basic purpose of this memorandum is to restate, revise, and amend the existing grievance procedure of the City of New Orleans. Heads of all agencies are to make this procedure known to all employees. directive applies to a grievance which a transient, provisional, probationary or permanent employee desires to discuss with management through his immediate supervisor. An employee grievance shall be interrupted at any point in the procedure outlined below when it is determined that the matter presented to management is not truly a grievance but is a matter which should be forwarded to the Civil service Commission under existing Civil Service Rules and regulations or when it is found that the aggrieved employee's complaint is against a matter which is an appointing authority's management prerogative. The appointing authority shall independently decide in favor of or against the employee's request. When it is determined that the grievance is actually a Civil Service appeal matter, the employee must be informed of this fact and he should present his case to the Civil Service Commission. appointing authority determines that the grievance is actually a management prerogative, he should SO inform the employee in writing of his decision either for or against the grievance and he should terminate the grievance procedure at this point. Matters involving a Civil Service appeal or the appointing authority's management prerogative require no hearing by the appointing authority.

2. DEFINITION OF A GRIEVANCE

Grievances within the meaning of this memorandum shall consist only of disputes about working conditions and alleged violations of City policy, including alleged abuses of discretion of supervisors in the treatment of employees. Matters not having to do directly and primarily with the day to day life of the employee and his relations with the City shall not be subject to the grievance procedure. Matters under the jurisdiction of the City Civil Service Commission shall not be subject to the grievance procedure. If any questions arise as to whether a particular dispute is or is not a grievance within the meaning of this paragraph, the question may be taken up through the grievance procedure.

3. PROCEDURE

All grievances, wherever possible, shall be taken up under the grievance procedure during normal working hours without loss of pay. In the event a transient, provisional, probationary, or permanent employee has a grievance, an earnest effort shall be made to settle such grievance under the following procedure:

- $\underline{\text{STEP 1.}}$ The employee's representative and/or the employee shall present the grievance orally to the immediate supervisor within five (5) days of the act giving rise to the grievance. If no satisfactory settlement is reached within twenty-four (24) hours after presentation to the immediate supervisor, then,
- STEP 2. The grievance shall be reduced to a written statement on a form provided by the City and shall be presented to the immediate supervisor who shall review the Employee Grievance Form (C.A.O. Form No. 1) and forward it to the Appointing Authority or his designated representative within three (3) working days with a copy to the Chief Administrative Office and the Department of City Civil Service, and in the case of employees in positions funded by the Title II a copy to the Title II office.
- STEP 3. The grievance shall be taken up between the employee's representative and/or the employee and the Appointing Authority.
- STEP 4. If no agreement is reached at the Step 3 level within three (3) days after forwarding the grievance form to the Appointing Authority, then the grievance shall be referred to the Chief Administrative Officer or his designated representative who may meet with the employee's appointing authority, the employee's representative and/or the employee for final settlement, or may render a final decision based upon the facts presented on C.A.O. Form No. 1.

4. SUPPLY OF EMPLOYEE GRIEVANCE FORMS

C.A.O. Form No. 1 may be obtained from the Personnel and Systems Management Division of the Chief Administrative Office as needed for each grievance.

5. $\frac{\text{ARRIVING AT SOLUTION TO GRIEVANCE IN ORAL FORM RATHER THEN FORMAL WRITTEN}{\text{PROCEDURE}}$

Agency heads are requested to make every effort possible to arrive at a solution when a grievance is received in oral form by the first line supervisor rather that resort to the formal procedure outlined in this directive.

6. EXCEPTIONS

POLICY MEMORANDUM NO. 4

The provisions of this memorandum do not apply to:

- a. Employees who are represented by a union which has signed a contract with the City
- b. Managerial and supervisory employees
- c. Emergency employees

7. INQUIRIES

Any questions concerning the contents of this directive should be addressed to the Personnel and Systems Management Division of the Chief of Administrative Office.

Richard Kernion Chief Administrative Officer

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